

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 JOHN TURNER,

Case No. 2:19-cv-00493-JAD-DJA

5 Petitioner,

6 v.

**Order Setting January 10, 2020  
Deadline to Oppose Motion to Dismiss**

7 TIMOTHY FILSON, et al.,

8 Respondents.

9 *Pro se* Petitioner John Turner, a former Nevada prisoner, initiated this habeas corpus  
10 proceeding under 28 U.S.C. § 2254 to set aside his 2016 conviction for child abuse and neglect  
11 or endangerment. Petitioner has filed a new Notice of Change of Address.<sup>1</sup>

12 Respondents filed a Motion to Dismiss<sup>2</sup> the Amended Petition for Writ of Habeas  
13 Corpus<sup>3</sup> on November 4, 2019. Under the Local Rules of Practice, Petitioner was required to file  
14 a response to the motion by November 18, 2019. He did not do so. The Local Rules further  
15 provide that failure to file points and authorities in opposition to a motion constitutes a consent  
16 that the motion be granted.<sup>4</sup> Although no response before the deadline expired, **I will give**  
17 **Petitioner one final opportunity to file a response** to ensure a complete record.

18 IT IS THEREFORE ORDERED that the Clerk of Court is directed to MAIL Petitioner  
19 one copy of Respondents' Motion to Dismiss (ECF No. 29).

20 IT IS FURTHER ORDERED that **Petitioner has until January 10, 2020 to file a**  
21 **response to Respondents' motion to dismiss.** If Petitioner timely opposes the motion,  
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23 <sup>1</sup> ECF No. 34. On four previous occasions, Petitioner has updated his address with the Clerk of  
24 Court. ECF No. 10, 15, 20, 27. However, multiple court mailings have been returned as  
undeliverable. ECF No. 16, 19, 24, 25, 28.

25 <sup>2</sup> ECF No. 29.

26 <sup>3</sup> ECF No. 17.

27 <sup>4</sup> LR 7-2(d); *cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (failure to follow the district  
28 court's local rules is a proper ground for dismissal).

1 Respondents may file a reply within the time allotted under Local Rule LR 7-2(b). **If Petitioner**  
2 **fails to respond to Respondents' motion by January 10, 2020, the court will deem his**  
3 **silence as consent to grant the motion.**

4 Dated: December 23, 2019.

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8 U.S. District Judge Jennifer A. Dorsey  
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